

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA) DOCKET NO. 1:18CR92
)
)
)
vs.) GOVERNMENT'S MOTION
) FOR BOND REVIEW
)
)
JAMES E. MACALPINE,)
)
Defendant.)
)
_____)

NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, to request that the Court conduct a hearing to review the conditions of the Defendant's bond. In support of this Motion, the United States offers the following:

1. On August 8, 2018, a federal Grand Jury issued a Bill of Indictment against the Defendant alleging that he committed the crimes of tax evasion and corrupt interference with Internal Revenue laws, in violation of 26 U.S.C. §§ 7201 and 7212. (Doc. #1).
2. The Court released the Defendant on a one million dollar unsecured bond on August 10, 2018. (Doc. #5). Among other conditions, this Court ordered the Defendant to "surrender any passport to the Office of Probation and Pretrial

Services,” and to “obtain no passport.” (*Id.*, conditions 8(g) and (h)). The Court also ordered the Defendant to “comply with tax laws and regulations of both the IRS and State of North Carolina during the period of supervision.” (*Id.*, condition 8(y)).

3. As of the time of this filing, the Defendant has not produced his passport to the probation officer as required.

4. On August 31, 2018, the Defendant filed an affidavit with the Court stating simply, “I am not in possession of a previously issued passport.” (Doc. #10).

5. On August 8, 2018, the Defendant testified under oath that he possessed a passport at his home that he believed to be valid.

6. The Defendant also has not complied with the condition requiring him to comply with tax laws. As of the date of this filing, the Defendant has made no effort to contact the IRS concerning his past or current tax liabilities. On September 7, 2018, the Defendant’s probation officer contacted him to determine whether he was complying with bond condition 8(y). She asked the Defendant if he had contacted either the IRS or the North Carolina Department of Revenue since his release on bond, and he admitted that he had not. She then asked him whether he is having taxes withheld from his income. At first he answered, “yes,” but later in the same telephone call he asserted that he had no tax obligations until April 15.

The United States therefore requests that the Court conduct a hearing pursuant to 18 U.S.C. § 3148 to determine whether the Defendant has violated the conditions of his release, and whether revocation or a modification of his release order would be appropriate.

RESPECTFULLY SUBMITTED, this the 7th day of September, 2018.

R. ANDREW MURRAY
UNITED STATES ATTORNEY

/s Don Gast

DON GAST
ASSISTANT UNITED STATES ATTORNEY
N.C. Bar Number: 23801
100 Otis Street, Suite 233
Asheville, NC 28801
Telephone: (828) 271-4661
Facsimile: (828) 271-4670
Don.Gast@usdoj.gov

CERTIFICATE OF SERVICE

A copy of the foregoing document was mailed to the Defendant at his home address:

James E. MacAlpine
603 Woodlea Court
Asheville, NC 28806

This the 7th day of September, 2018.

JILL WESTMORELAND ROSE
UNITED STATES ATTORNEY

/s Don Gast

DON GAST
ASSISTANT UNITED STATES ATTORNEY
N.C. Bar Number: 23801
100 Otis Street, Suite 233
Asheville, NC 28801
Telephone: (828) 271-4661
Facsimile: (828) 271-4670
Don.Gast@usdoj.gov